

to the justice before whom the warrant shall be returned, it shall be lawful for the said justice to fine the said constable for such offence any sum not exceeding seven shillings and sixpence, and such justice may appoint another day, not exceeding fourteen days from the return day of the said warrant, for producing the body of the defendant; and in case the said constable shall not produce the body of the defendant on the appointed day, it shall be lawful for the said justice, at the request of the plaintiff, his agent or attorney, to enter judgment for the plaintiff for the amount of his debt, and costs, against such constable, on which judgment an execution may be issued by the said justice, directed to the sheriff of the county as aforesaid; provided, that it shall always be in the discretion of such justice, on due proof made that the constable could not produce the body of the defendant, because the said defendant was too ill to be removed, or for any other good cause, to appoint any other reasonable time for producing him, in which case he shall have power to enter judgment, and to issue execution against the said constable on default of producing the body of the defendant, in the manner before directed; and provided also, that before any execution shall be issued against the said constable, the plaintiff, or his agent or attorney, shall make it appear to the satisfaction of the said justice, that he has made or tendered to the said constable an assignment of his cause of action against the defendant.

See 1806, ch. 21, secs. 2 and 4.

SEC. 12. *And be it enacted*, That in case any sheriff shall neglect to make due return of any execution directed to him by virtue of this act, it shall be lawful for the justice who issued the said execution, on proof as aforesaid of the delivery of the writ of execution to the said sheriff, or either of his deputies, to fine such sheriff for every such neglect any sum not exceeding ten shillings current money; and in case any sheriff shall make due return of any execution directed to him as aforesaid, by which it shall appear that he has taken the body of the defendant, and shall fail to produce him, it shall be lawful for the justice before whom the said writ of execution is returned, at the request of the plaintiff, his agent or attorney, at any time within sixty days from the return day of the said execution, to enter judgment for the plaintiff against the said sheriff for the amount of the debt and costs, on which judgment execution may be issued, directed to the coroners of the county, or either of them, who are hereby required to execute the same; provided, that such judgment shall not be entered until proof shall be made, on oath, or affirmation, as aforesaid, that the debt and

Sheriffs
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